IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.Rev.Pet.No. 1174 of 2007()

AGAINST THE ORDER DATED 14/03/2007 IN CMP 886 2007 IN ST.1097/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT, NEDUMKANDOM

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REVN. PETITIONER: ACCUSED

C.C.EMMANUVEL, AGED 48,
CHEMPARATHICKAL VEEDU, THIRUMAENY P.O.,
CHERUPUZHA, KANNOOR DISTRICT.

BY ADV. SRI.V.RAJAGOPAL

RESPONDENTS: COMPLAINANT & STATE.

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1. SUNIL M.C., AGED 35, ASSISTANT MANAGER,
STATE BANK OF TRAVANCORE, NEDUMKANDAM BRANCH.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1174 of 2007

Dated this the 20th day of March, 2007

ORDER

The revision petitioner is the accused in S.T.No.1097/04 whose application under Section 311 of the Code of Criminal Procedure to examine the defence witness stands dismissed.

2. I find that the court below has noted that the defence witness could not be examined as defence was not ready and had applied so many times. It is submitted by the revision petitioner that it so happened that on the first occasion the documents were not brought by the defence witness and on the second time, the counsel could not be present on account of unavoidable circumstances.

3. In the circumstances, the order of the court below is set aside. The revision petitioner is directed to co-operate in the trial of the case. The court below shall permit the revision petitioner to examine the defence witnesses and dispose of the matter on merits at the earliest. The revision petitioner/accused

shall appear before the court below on 10.4.2007. Further proceedings in the matter shall remain stayed till 10.4.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl